REMARKS/ARGUMENTS

The rejections presented in the Office Action dated March 27 , 2007 (hereinafter Office Action) have been considered. Claims 1-37 remain pending in the application. Reconsideration of the pending claims and allowance of the application in view of the present response is respectfully requested.

The Applicant first point out that Claim 1 has been amended for purposes of removing a typographical error. The amendment is related to any rejections or objections, the prior art, or any purpose of patentability. The amendment is merely to remove an inadvertent typographical error. Thus, the amendment to Claim 1 is not intended to narrow, nor does it narrow, the scope of Claim 1 as originally filed.

Claims 1-20 and 26-37 stand rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Publication No. 2003/0018806 by Rueger et al. (hereinafter "*Rueger*"). The Applicant respectfully traverses the rejection.

The present invention is generally directed to systems and methods for reducing the quantity of queries required of subscriber databases. Message routing information is **sent along with the message** to the receiving side of the message transaction, thereby obviating the need to obtain that information at the network entities on the receiving side of the transaction. For example, in the embodiment set forth in Claim 1, the system involves a sending network element that obtains the message routing information for a destination subscriber(s), and transmits the message(s) and the message routing information towards the destination subscriber. A messaging center receives the message and the message routing information from the sending network element, and facilitates transmission of the message to the destination subscriber using the message routing information received from the sending network element. It is respectfully submitted that this is not taught, or contemplated, by *Rueger*.

More particularly, *Rueger* is directed to conveying messages originating from a mobile telecommunications network to another network (*e.g.*, TCP/IP-based network) that does not use the protocols from the mobile telecommunications network (see, *e.g.*, ¶0001). The *Rueger* system is based on the idea of forwarding the messages from a first service center over a message server to a second service center (see, *e.g.*, ¶0043). *Rueger* essentially adds a message

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server WAMS where information is retrieved, and thus this message server acts like any HLR or other similar database as expressly indicated in *Rueger*:

> In order to store the above mentioned address information, the message server WAMS comprises a database HLRx and switching function MSCx which towards the mobile telecommunications network **act as a standard home location register HLR**." (*Rueger*, ¶0048, emphasis added).

Nowhere in *Rueger* does it teach, suggest or otherwise contemplate obtaining message routing information at the front end of the message transaction, and sending the message and the message routing information towards the destination subscriber. Rather, *Rueger* clearly describes the use of the WAMS message server as an additional HLR-like server, which simply stores routing information and routes messages just like any MSC/HLR or other similar network entity would do.

As indicated above, Claim 1 involves a sending network element that obtains the message routing information for a destination subscriber(s), and transmits the message(s) and the message routing information towards the destination subscriber. This is not described in *Rueger*. Further, Claim 1 includes a messaging center to receive the message and the message routing information from the sending network element, and to facilitate the transmission of the message to the destination subscriber using the message routing information received from the sending network element. There is no teaching in *Rueger* to use message routing information received from the sending network element to facilitate the transmission of the destination subscriber. The Applicant's system of Claim 1 enables, among other things, this information to be obtained at the front end, and used up to multiple times by recipient devices that would otherwise have to access an HLR or other database to obtain message routing information relating to the destination subscriber. *Rueger* does not address this problem, nor does it provide any teaching or solution to such a problem.

For at least these reasons, *Rueger* does not teach all the limitations of Claim 1 as required in an anticipation analysis under 35 U.S.C. §102(e). Reconsideration and withdrawal of the rejection is respectfully solicited.

Dependent Claims 2-20, which are dependent from independent Claim 1, were also rejected under 35 U.S.C. §102(e) as being unpatentable over *Rueger*. While the Applicant

does not acquiesce with the particular rejections to these dependent claims, including any assertions concerning inherency, these rejections are moot in view of the remarks made in connection with independent Claim 1. These dependent claims include all of the limitations of Claim 1 and any intervening claims, and recite additional features which further distinguish these claims from the cited references. Therefore, dependent Claims 2-20 are also in condition for allowance.

Independent Claim 26 also stands rejected under 35 U.S.C. §102(e) in view of *Rueger*. The Applicant respectfully traverses the rejection. Claim 26 includes initiating a query, and in response <u>receiving message routing information</u>. The message, <u>and the retrieved message routing information, is transmitted</u> from the network element to a messaging center associated with the destination subscriber. The message is transmitted from the messaging center to a delivery node <u>identified by the message routing information that was transmitted from the network element</u>. Neither the cited portions of *Rueger*, nor *Rueger* in general, describe transmitting routing information with the message so that it can be used by downstream elements in routing the message. Rather, the cited portions of *Rueger* only relate to the use of an HLR-like system performing standard routing functions. For example, ¶0065 was cited, but this paragraph indicates that "[b]ased on the <u>information **in the database HLRx**</u> of the message server WAMS address data corresponding to the virtual mobile station number **is retrieved** <u>and used for the forwarding of the message</u> as a new destination address." (emphasis added). This clearly shows that any message routing information is not sent to the HLRx, but rather it is stored and retrieved from the HLRx like any other HLR operates. *Rueger* does not teach that message routing information is transmitted along with the message in order to notify downstream network elements of the routing information and thereby obviating the need for those downstream network elements to again obtain routing information elsewhere.

For at least these reasons, *Rueger* fails to anticipate independent Claim 26, and withdrawal of the rejection is respectfully solicited. Further, Claims 27-35 are dependent from independent Claim 26. While the Applicant does not acquiesce with the particular rejections to these dependent claims, including any assertions concerning inherency, these rejections are moot in view of the remarks made in connection with independent Claim 26. These dependent claims include all of the limitations of Claim 26 and any intervening claims, and recite additional

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features which further distinguish these claims from the cited references. Therefore, dependent Claims 27-35 are also in condition for allowance.

Independent Claims 36 and 37 also stand rejected under 35 U.S.C. §102(e) in view of *Rueger*. The Applicant respectfully traverses the rejection. Claim 36 includes a query module to formulate a query, and the Applicant does not acquiesce that the cited portions (*i.e.* ¶¶0036, 0037, 0048) teach such a query module. The message transmission module of Claim 26 associates the message with the message routing information. The cited paragraphs of *Rueger* do not discuss any association of such message routing information with the message, or to transmit this associated message/message routing information to a messaging center. The cited paragraphs (as well as *Rueger* in general) does not teach at least the transmission of the routing information itself. For at least these reasons, *Rueger* does not anticipate Claim 36, and withdrawal of the rejection thereto is respectfully requested. The same holds true for independent Claim 37, which involves receiving, in response to a query, message routing information for transmitting a message towards a destination device. The message, and the message routing information, is transmitted to a messaging center associated with the destination subscriber. Again, *Rueger* does not teach transmitting message routing information that would otherwise have to be obtained at the receiving end of the transaction, and therefore *Rueger* fails to teach all the limitations of Claim 37. For at least these reasons, withdrawal of the rejection to independent Claim 37 is also requested.

Claims 21-25 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Rueger in view of U.S. Publication No. 2003/0105864 by Mulligan et al. (hereinafter "*Mulligan*"). Under 35 U.S.C. §103(c), subject matter developed by another person, which qualifies as prior art only under subsections (e), (f), and (g) of 35 U.S.C. §102, shall not preclude patentability where the subject matter and the claimed invention were, at the time the claimed invention was made, owned by the same person or subject to an obligation of assignment to the same person. The *Mulligan* reference was assigned to Nokia Corporation in the spring of 2002 (see Reel/Frame 012975/0938). At the time the present invention was made, the inventor was under an obligation to assign the invention to Nokia Corporation, and indeed executed such an assignment on January 7, 2004. Therefore, as 35 U.S.C. §103(c) is applicable, the *Mulligan* reference is not a qualified reference, and the rejection is now moot.
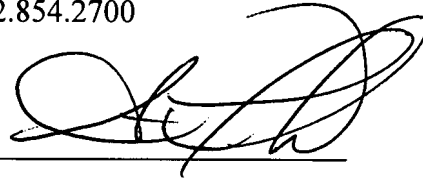
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Authorization is given to charge Deposit Account No. 50-3581 (NSN.021.A1) any necessary fees for this filing. If the Examiner believes it necessary or helpful, the undersigned attorney of record invites the Examiner to contact the undersigned attorney to discuss any issues related to this case.

Respectfully submitted,

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